

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:) CASE NO. 18-26110
Athanasiros V Trakos)
) HON. Jack B. Schmetterer
DEBTOR.) CHAPTER 13
)

NOTICE OF MOTION

TO: M.O. Marshall, 55 E. Monroe Street, #3850, Chicago, IL 60603, via electronic court notification;

See attached list

PLEASE TAKE NOTICE that on March 10, 2021 at 10:30 a.m., I will appear telephonically before the Honorable Jack B. Schmetterer, or any judge sitting in his place, and present the motion of Debtor to Modify Plan Post Confirmation, a copy of which is attached.

This motion will be presented and heard telephonically using AT&T Teleconference. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must call in to the hearing using the following information—Toll Free Number: 1-877-336-1839; Access Code: 3900709.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ David H. Cutler
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600
cutlerfilings@gmail.com

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I served a copy of this notice and the attached motion electronically or through U.S. Mail on each entity shown on the attached list at the address shown on the list on February 17, 2021 by 8:30 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:) Case No.: 18-26110
)
Athanasiros V Trakos) Chapter 13
)
Debtor(s)) Judge Jack B. Schmetterer

MOTION TO MODIFY PLAN POST CONFIRMATION

NOW COMES the Debtor, Athanasiros V Trakos, (hereafter referred to as “the Debtor”) by and through his attorneys, The Law Offices of Cutler & Associates, Ltd., to present this Motion and state as follows:

1. On September 17, 2018, the Debtor filed a petition for relief pursuant to Chapter 13, Title 11 of the United States Code.
2. On December 12, 2018 this Honorable Court confirmed the Debtor’s Chapter 13 Plan.
3. The Debtor’s confirmation order provides for a plan payment of \$1,400 for 3 months then \$1,596 for 57 months with unsecured creditors receiving 38% of their unsecured claims.
4. The Debtor’s plan was modified on September 9, 2020 to defer a trustee default of \$7,784 to the end of the plan and to extend the plan term to 66 months under H.R. 748 CARES ACT § 1113.
5. The Debtor has paid in to date in his Chapter 13 plan \$32,528.
6. The Debtor has a current trustee default of \$5,384 as of the date of this motion.
7. The Debtor’s income has continued to be affected by the COVID-19 pandemic as the Debtor had anticipated the transporting of motor vehicles to and from the auto auction and car dealerships would pick up, but the increase was not steady and the need for

transporting motor vehicles did not increase enough and the Debtor took a job as a driver for the Market Place on Oakton and his income has decreased.

8. The Debtor is unable to catch up on the full default amount as Debtor's income had been affected.
9. The Debtor's income has been affected and he is experiencing a material financial hardship directly related to the coronavirus disease 2019 (COVID–19) pandemic. The Debtor is seeking to extend the Chapter 13 plan term to 84 months under H.R. 748 – CARES ACT §1113 since the Debtor's loss of income was direct result of the (COVID–19) pandemic and to reduce his plan payment to \$1,160 a month so that the payment is more manageable.
10. The Debtor is looking to defer the current trustee default to the end of the plan and extend the Chapter 13 plan term to 84 months in accordance with 11 U.S.C. §1329(d)(1).
11. The Debtor will be in a position to make plan payments going forward if the default is deferred, the plan term is extended to 84 months and his payment is reduced to \$1,160 as he is working steadily and his son is contributing to household expenses.
12. Debtor requests that this Honorable Court defer the current trustee default to the end of the plan and to extend the Chapter 13 plan term to 84 months in accordance with 11 U.S.C. §1329(d)(1) and to reduce the plan payment to \$1,160 per month beginning March 2021 until the end of the plan.
13. The Debtor has filed the instant case in good faith and he intends to complete the plan of reorganization.

WHEREFORE, the Debtor respectfully requests that this Court modify the Debtor's Plan Post Confirmation to defer the current trustee default to the end of the plan, to extend the Chapter 13 plan term to 84 months in accordance with 11 U.S.C. §1329(d)(1) and to reduce the plan payment to \$1,160 per month beginning March 2021 until the end of the plan and for such further relief that this Court may deem just and proper.

Dated: February 17, 2021

Respectfully Submitted,

By: /s/ David H. Cutler

David H. Cutler, esq.,
Counsel for Debtor:
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600